

REMARKS

Claims have been canceled without disclaimer or prejudice, claims have been amended, and claims have been added. No new matter is added, and approval and entry are respectfully requested. Thus, the pending claims remain for reconsideration, which is requested.

SPECIFICATION

The specification is amended taking into consideration the Examiner comments. Withdrawal of the specification objection is requested. Original claim 8 supports the amendment.

REJECTION UNDER 35 U.S.C. §101:

Claim 7 was rejected under 35 U.S.C. §101 as indicated in the Office Action. Claim 7 is cancelled. New claim 10 is added taking into consideration the Examiner's comments and the USPTO Memorandum of May 15, 2008 to Technology Center Directors from Mr. John J. Love, Deputy Commissioner for Patent Examination Policy. New claim 10 is expressly tied to the statutory subject matter class of "machine," namely a "system" that has "a central processing unit (CPU)." Further, new claim 10 substantially requires the limitations of independent claims 1 and 8 is allowable for the same rationale as discussed below.

REJECTION UNDER 35 U.S.C. §103:

Claims 1, 3, and 5-9 were rejected under 35 U.S.C. §103(a) as being unpatentable over (U.S. Pre-Grant Publication 2003/0065728) to Milovanovic, in view of U.S. Pre-Grant Publication 2004/0177319 to Horn.

Claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over Milovanovic in view of Horn and further in view of U.S. Pre-Grant Publication 2002/0129108 to Sykes, Jr.

The Office Action states that "Milovanovic teaches analyzing a folder configuration created on mail software in order to obtain information regarding the folder configuration and creating a scanned data older accessible by the mail software, if necessary (see paragraph [0024], and Figure 2, element 101)" (OA Page 4, lines 1-5).

The Office Action also states that "Horn teaches creating the same folder configuration in a file system that is shared by the mail software (see Horn paragraph [0014], [0133])" (OA Page 4, lines 9-10).

However, Milovanovic and Horn fail to disclose expressly or implicitly the claimed "creating the samea file system folder configuration same as the analyzed mail software folder configuration ... based upon on the basis of the obtained information obtained by the analysis of the mail software folder configuration created on the mail software." In other words, Milovanovic discusses setting up email folders by assigning person's name to the folder (par. 7) and par. 24, which is relied upon by the Office Action discusses using a person's name and an email source type, such as "music from Bob." So the Office Action acknowledges Milovanovic fails to disclose the claimed "creating the samea file system folder configuration same as the analyzed mail software folder configuration in a file system that is shared by the mail software and that reads documents by use of a scanner, copies those documents into the scanned data folder and files the documents, based upon on the basis of the obtained information obtained by the analysis of the mail software folder configuration created on the mail software."

But the Office Action relies upon Horn. However, the relied upon Horn paragraphs of 104, 133, 135 and 139 (for motivation) merely discuss organizing all types of information objects using metadata. And Horn paragraph 139, which is relied upon in page 5 of the Office Action to support obvious motivation to modify Milovanovic, only discusses cataloging information objects. However, one example benefit of the claimed invention (paragraph 5) is to secure protection of data during filing, without requiring a user to separately perform storing operations for a plurality of storage units by providing automatic creation of "a file system folder configuration" that is same as "a mail software configuration." A prima facie case of obviousness based upon Milovanovic and Horn cannot be established, because there is no evidence expressly or implicitly that one skilled in the art would combine Horn's information object organization, with Milovanovic's person name based mail folders, and then modify the combined system of Milovanovic and Horn by modifying either Milovanovic and/or Horn to provide the claimed:

analyzing a mail software folder configuration created on mail software in order to obtain information regarding the mail software folder configuration and creating a scanned data folder accessible by the mail software, if necessary;

creating the samea file system folder configuration same as the analyzed mail software folder configuration in a file system that is shared by the mail software and that reads documents by use of a scanner, copies those documents into the scanned data folder and files the documents, **based upon on the basis of the obtained information obtained by the analysis of the mail software folder configuration created on the mail software.**

Withdrawal of the rejections and allowance of the application is requested.

CONCLUSION

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,
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